

**Notice of Allowability**

Application No.

10/676,372

Applicant(s)

MALTSEV ET AL.

Examiner

Prenell P. Jones

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/23/07.
2. ☒ The allowed claim(s) is/are 1-33 and 35-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 10/12/07.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                             |                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                            | 5. <input type="checkbox"/> Notice of Informal Patent Application                                            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                        | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>10/12/07</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>7/23/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                          |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|                                                                                                                             | 9. <input type="checkbox"/> Other _____.                                                                     |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory Gorrie on October 12, 2007.

The application has been amended as follows:

***On page 18 of the Specification, beginning at line 3;***

Embodiments of the invention may be implemented in one or a combination of hardware, firmware and software. Embodiments of the invention may also be implemented as instructions stored on a machine-readable medium, which may be read and executed by at least one processor to perform the operations described herein. A machine-readable medium may include any mechanism for storing or transmitting information in a form readable by a machine (e.g., a computer). For example, a machine-readable medium may include read-only memory (ROM), random-access memory (RAM), magnetic disk storage media, optical storage media and flash-memory devices, ~~electrical, optical, acoustical or other form of propagated signals (e.g. carrier waver, infrared signals, digital signals, etc.), and others.~~

**Regarding Claim 1;** In line 7, replace "***on each the***" with "***on each of the.***"

***Allowable Subject Matter***

1. Claims 1-37 are allowed prior art.
2. The following is a statement of reasons for allowance: As indicated in the previous office action claims 5, 8-18, 33, 35 and 36 contain allowable subject matter. Applicant has amended previously objected to claims 5, 8, 9, 11, 12, 33 and 35 to read as independent claims.

The prior art fail to teach or suggest with respect to claim 1, 19, 23, 26, 30 and 35, a channelization field on a single OFDM channel identifying which of the OFDM channels that are used for communicating subsequent wideband fields of the packet, and a wideband header field on each identified OFDM channel to identify the presence of a wide-band data field following the wide-band header field, with respect to claim 5 and 36, estimating at least one of timing offset, fine frequency offset and channel response using at least the training sequence for processing subsequent wideband fields of the packet, including header field and data field, 8 and 33, communicating a short compatibility field as part of the packet on the compatibility channel, wherein communication units refrain from transmitting on the identified channel during transmission of the packet, with respect to claim 9, communicating a long-compatibility field on the compatibility channel, wherein the long compatibility field includes information to reserve at least one of the channels for a time period, wherein a narrow-band communication unit refrains from communicating during the time period in response to receipt of the long-compatibility field, with respect to claim 11, with respect to claim 12, a field to request a power loading per sub-carrier for subsequent transmission of wideband data field, selecting compatible channel based on overlapping use by at least some of the narrower-band communication units.

Art Unit: 2619

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

October 12, 2007

  
10/15/07  
WING CHAN  
SUPERVISORY PATENT EXAMINER